

REMARKS

In view of the fact that allowable subject matter has been indicated to be present in the case, an earnest effort has been made to bring the application to issue without delay.

1. The Examiner has indicated that claims 2 to 8, 10, 12, 16, 18 and 19 contain allowable subject matter. Accordingly, claims 2, 10, 12, 16 and 18 have been written to stand in independent form and are allowable outright together with the claims which depend therefrom.

2. A charge form for the fee for four additional independent claims is enclosed. The Applicant is a small entity.

3. With respect to the restriction requirement, the Examiner is advised that claim 20 has been cancelled without prejudice to Applicants right to claim the same or similar subject matter in a divisional application at some later date.

4. Claims 1, 9, 11, 13-15 and 17 have been rejected as anticipated by Maruyama et al Patent 6,212,520. That rejection, while discussed below, should not be applicable any longer to claim 9 (now dependent upon allowable claim 2), or to claim 11 (now dependent upon allowable claim 2) and thus these claims should be treated with the allowable claims discussed in paragraph 1.

5. Maruyama et al does not anticipate claims 1 or 13 through 15 and 17.

In claim 1, it is crystal clear that the method applies to a non-cooperative database management system and claim 13 is likewise drawn to a computer system which shares with a non-cooperative database management system of a primary computer. In Maruyama et al, while a database log file and database data file are present, the database management system is part of the basic architecture and is not a non-cooperative database management system in the sense of the present application. Thus the rejection on anticipation grounds must fail and no rejection on obviousness grounds can be asserted based on Maruyama et al.

While the Examiner has cited the Myer et al reference,

presumably only to show background and without pertinence to the instant disclosure, it can also be said that that reference does not relate to a non-cooperative database management system which is accessed in accordance with which the principles of this invention.

Once again, it is important to note that the invention deals with a way of enabling a computer system to read the data of a non-cooperative database management system without being aware of the fact that the data is being accessed by a different computer system and that is not found in either reference.

Thus, claims 1, 13 to 15 and 17 are allowable together with claims 2 through 12, 16, 18 and 19 and an early notice to that effect is earnestly solicited.

Respectfully submitted,
The Firm of Karl F. Ross P.C.



By: Herbert Dubno, Reg. No. 19,752
Attorney for Applicant

db-
DATED: August 23, 2004
5676 Riverdale Avenue Box 900
Bronx, NY 10471-0900
Cust. No.: 535
Tel: (718) 884-6600
Fax: (718) 601-1099
Encls: PTO-2038 Form